

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 6,210,428 B1

Issued: April 3, 2001

Inventors: Augustine et al

Title: SYSTEM AND METHOD FOR TREATMENT OF HYPOTHERMIA

## CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date 8 June 2001, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

8 June 2001  
Date

Ramona A. Mead  
Signature

Assistant Commissioner for Patents  
Washington, D.C. 20231

## PETITION TO CORRECT INVENTORSHIP IN AN ISSUED PATENT UNDER 37CFR 1.324

Augustine Medical, Inc., the owner of all right, title, and interest in U.S. Patent No. 6,210,428 B1 hereby petitions to correct inventorship in U.S. Patent No. 6,210,428 B1 as follows:

delete Randall C. Arnold; and

add Douglas J. Augustine.

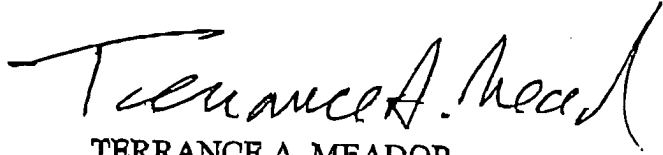
The inclusion of Randall C. Arnold as a co-inventor occurred through an error which arose without any deceptive intention.

The omission of Douglas J. Augustine as a co-inventor occurred through an error which arose without any deceptive intention.

Statements under 37 CFR 1.324(b)(1), (b)(2), and (b)(3) accompany this paper.

The fee required under 37 CFR 1.20(b) accompanies this paper. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



TERRANCE A. MEADOR

Reg. No. 30,298

Date: 8 June 2001

GRAY CARY WARE & FREIDENRICH  
4365 Executive Drive, Suite 1600  
San Diego, CA 92121-2189

Telephone: (858) 638-6747 Fax: (858) 677-1465

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 6,210,428 B1

Issued: April 3, 2001

Inventors: Augustine et al

COPY

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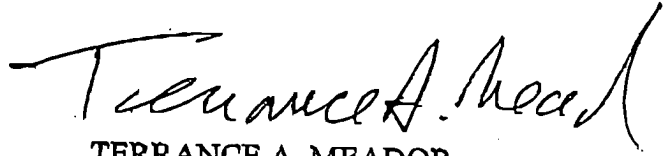
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 6,210,428 B1

Issued: April 3, 2001

Inventors: Augustine et al

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Title: SYSTEM AND METHOD FOR TREATMENT OF HYPOTHERMIA

Assistant Commissioner for Patents  
Washington, D.C. 20231

## STATEMENT BY SHIRLEY E. AUGUSTINE UNDER 37 CFR 1.324

I, Shirley E. Augustine, Route 1, Box 259, Sand Stone, Minnesota 55072, state as follows:

I am the wife of Douglas J. Augustine;

Douglas J. Augustine is deceased;

On behalf of Douglas J. Augustine, I state that Douglas J. Augustine was omitted as an inventor from U.S. Patent No. 6,210,428 B1 through an inventorship error that occurred without any deceptive intent on the part of Douglas J. Augustine.

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of U.S. Patent No. 6,210,428 B1.

June 7- 2001  
DATE

Shirley E. Augustine  
SHIRLEY E. AUGUSTINE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 6,210,428 B1

Issued: April 3, 2001

Inventors: Augustine et al

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)

Title: SYSTEM AND METHOD FOR TREATMENT OF HYPOTHERMIA

Assistant Commissioner for Patents  
Washington, D.C. 20231

## STATEMENT BY JOHN E. THOMAS UNDER 37 CFR 1.324

I, John E. Thomas, state as follows:

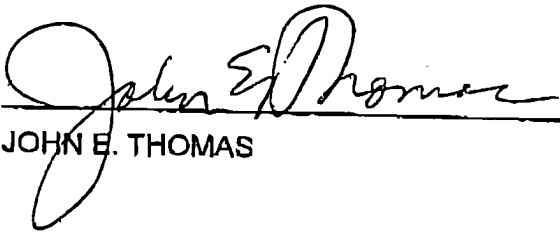
I am the President of Augustine Medical, Inc., and I am authorized to act on behalf of Augustine Medical, Inc.;

By virtue of an assignment recorded in the U.S. Patent Office on April 13, 1992 at Reel 6082, Frame 0560, Augustine Medical, Inc. is the owner of the entire right, title and interest in and to U.S. Patent No. 6,210,428 B1;

I have reviewed the evidentiary documents concerning the ownership of U.S. Patent No. 6,210,428 B1 and, to the best of my knowledge and belief they establish the entire right, title, and interest to U.S. Patent No. 6,210,428 B1 in Augustine Medical, Inc.;

Augustine Medical, Inc. agrees that Randall C. Arnold should be deleted as a co-inventor of U.S. Patent No. 6,210,428 B1 and that Douglas J. Augustine should be added as a co-inventor of U.S. Patent No. 6,210,428 B1.

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of U.S. Patent No. 6,210,428 B1.

6/6/01  
DATE  
JOHN E. THOMAS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 6,210,428 B1

Issued: April 3, 2001

Inventors: Augustine et al

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)**Title: SYSTEM AND METHOD FOR TREATMENT OF HYPOTHERMIA**Assistant Commissioner for Patents  
Washington, D.C. 20231**STATEMENT BY RANDALL C. ARNOLD UNDER 37 CFR 1.324**

I, **Randall C. Arnold**, 14810 McGinty Road West, Minnetonka, Minnesota 55391, state as follows:

I am named as an inventor on U.S. Patent No. 6,210,428 B1, issued April 3, 2001;

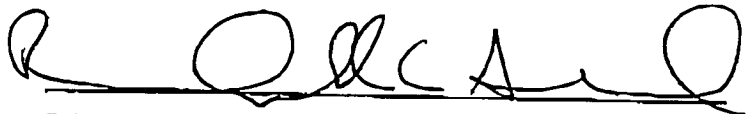
I agree that I should be deleted as a co-inventor on U.S. Patent No. 6,210,428 B1; and

I have no disagreement to the addition of Douglas J. Augustine as a co-inventor on U.S. Patent No. 6,210,428 B1.

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of U.S. Patent No. 6,210,428 B1.

6-6-01

DATE



RANDALL C. ARNOLD

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 6,210,428 B1 )  
Issued: April 3, 2001 )  
Inventors: Augustine et al )  
)

Title: **SYSTEM AND METHOD FOR TREATMENT OF HYPOTHERMIA**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT BY SCOTT D. AUGUSTINE UNDER 37 CFR 1.324**

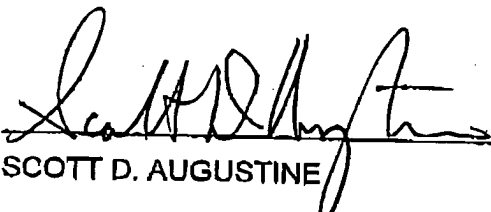
I, **Scott D. Augustine**, 9017 Cavell Circle, Bloomington, Minnesota 55438, state as follows:

I am named as an inventor on U.S. Patent No. 6,210,428 B1, issued April 3, 2001; and

I agree that Randall C. Arnold should be deleted as a co-inventor on U.S. Patent No. 6,210,428 B1, and I agree that Douglas J. Augustine should be added as a co-inventor on U.S. Patent No. 6,210,428 B1.

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of U.S. Patent No. 6,210,428 B1.

6/6/01  
DATE

  
SCOTT D. AUGUSTINE



PATENT ATTORNEY DOCKET NO. AUGA01000014

The Patent and Trademark Office date stamp sets forth the receipt date of

Application AUGA01000014

Examiner J. Ram

Issued: 04/03/01

ENCLOSURES

Request for Certificate of Correction Of Applicant Mistake (2 pgs. + a copy)

P.O. FORM 1050 (in duplicate)

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PATENT ATTORNEY DOCKET NO. AUGA01000014

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Application AUGA01000014

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ENCLOSURES

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P.O. FORM 1050 (in duplicate)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 6,210,428

Docket No. AUGA01000014

Inventors: Augustine et al

Examiner: J Ram

Title: SYSTEM AND METHOD FOR TREATMENT OF HYPOTHERMIA

## CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date 4 October 2001 in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231

4 October 2001  
DateTenance A. Meadows  
Signature

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION  
OF APPLICANT MISTAKE

The above-identified patent ("the patent") has been assigned to AUGUSTINE MEDICAL, INC. ("the corporation") by assignment documents recorded on February 23, 1990 at Reel 5244, Frame 712 and on April 13, 1992 at Reel 6082, Frame 0560.

The patent contains a mistake in field [62] on the title page and at Col. 1, spanning the end of line 6 and the beginning of line 7, in that a reference to predecessor application 07/638,748, now U.S. Patent No. 5,405,371, is omitted. This mistake occurred because of reliance on a filing receipt in the immediate predecessor application 08/859,891 that had been received on October 19, 1998. A copy of the filing receipt is enclosed. As is evident, the omitted predecessor application 07/638,748 is also omitted from the filing receipt. Although the omission was later corrected in application 08/859,891, the incorrect filing receipt was nevertheless used when the transmittal documents for the application from which the patent issued were prepared. The mistake therefore occurred in good faith.

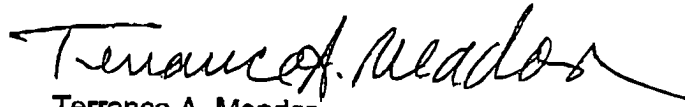
Patent application 09/334,160, the application from which the patent issued, was filed June 16, 1999. Therefore, the rules and procedures governing correction of the mistake are those for applications filed prior to November 29, 2000. See MPEP 1481 (August 2001) at 1400-68. In this regard, the requirements of 37 CFR 1.78(a)1 were met in the '160 application. US Patent 5,405,371

which is twice referenced in the Amendment filed 9 November 2000 at the top of page 2 itself identifies the omitted predecessor application 07/638,748, from which it issued. It is clear from the combined record of the patent and its predecessor applications that addition of the omitted application to the priority is appropriate. Moreover, the original specification, figures, and inventors' declaration filed in the application from which the patent issued are those originally filed in the omitted predecessor application 07/638,748. The applicant made clear the claim of priority to the omitted predecessor application (and further remote predecessor applications up to and including Application 07/227,189 filed August 2, 1988) by reference to the further remote predecessor applications in the first sentence of the specification, and in the fourth paragraph of the remarks on page 6 of the Amendment filed 9 November 2000.

The corporation hereby requests that a Certificate of Correction be issued to correct the above-identified patent as indicated on the attached PTO FORM 1050. A check for \$100 is enclosed to cover the applicable fee. Should the Commissioner find this petition fails to meet any requirement of the regulations that is not a requirement of the statutes, petitioner requests suspension of such regulation pursuant to 37 CFR Sec. 1.183. The Commissioner is hereby authorized to charge all fees that are or may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.

Please contact the undersigned directly with any questions.

Respectfully submitted,

  
Terrance A. Meador  
Registration No. 30,298

Date: 4 October 2001

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4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133

Telephone: (858) 638-6747 - Fax: (858) 638-6727

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 6,210,428

Docket No. AUGA01000014

Inventors: Augustine et al

Examiner: J Ram

Title: SYSTEM AND METHOD FOR TREATMENT OF HYPOTHERMIA

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4 October 2001 Tenance A. Meador  
 Date Signature

Assistant Commissioner for Patents  
 Washington, D.C. 20231

OK to enter Sir:  
 UTR  
 2/5/03

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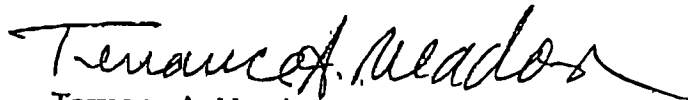
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PTO/SB/44 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEUnder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
(Also Form PTO-1050)

# UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF CORRECTION

PATENT NO : 6,210,428  
 DATED : April 3, 2001  
 INVENTOR(S) : Augustine et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

(62) This is a divisional of application no. 08/859,891, filed May 21, 1997, now U.S. Patent No. 5,968,084, which is a continuation of application no. 08/419,719, filed on April 10, 1995, now abandoned, which is a continuation of application no. 07/638,748, now U.S. Patent No. 5,405,371, which is a continuation-in-part of application no. 07/550,757, filed July 10, 1990, abandoned, which is a continuation-in-part of application no. 07/227,189, filed August 2, 1988, abandoned, which is a continuation-in-part of application no. 07/104,682, filed October 5, 1987, abandoned.

Col 1, line 6, insert at the end of the line -- continuation of application no. 07/638,748, now U.S. Patent No. 5,405,371, --

## MAILING ADDRESS OF SENDER:

Terrance A. Meador  
 Gray Cary Ware & Freidenrich  
 4365 Executive Drive, Suite 1100  
 San Diego, CA 92121

PATENT NO. 6,210,428

No. of additional copies



Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231.  
 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/44 (02-01)

Approved for use through 01/31/2004. OMB 0851-0039  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEUnder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
(Also Form PTO-1050)**UNITED STATES PATENT AND TRADEMARK OFFICE  
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Col 1, line 6, insert at the end of the line -- continuation of application no. 07/638,748, now U.S. Patent No. 5,405,371, --

## MAILING ADDRESS OF SENDER:

Terrance A. Meador  
Gray Cary Ware & Freidenrich  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121

PATENT NO. 6,210,428

No. of additional copies



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PTO-103X  
(Rev. 8-85)FILING RECEIPT  
CORRECTED

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/859,891	05/21/97	3711	\$640.00	1342-188	5	25	8

TERRANCE A. MEADOR  
GRAY CARY WARE AND FRIEDDENRICH  
401 B STREET  
SUITE 1700  
SAN DIEGO CA 92101

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

SCOTT D. AUGUSTINE, BLOOMINGTON, MN; RANDALL C. ARNOLD,  
MAPLEWOOD, MN.

## CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CON OF 08/419,719 04/10/95 ABN  
WHICH IS A CIP OF 07/550,757 07/10/90 ABN  
WHICH IS A CIP OF 07/227,189 08/02/88 ABN  
WHICH IS A CIP OF 07/104,682 10/05/87 ABN

FOREIGN FILING LICENSE GRANTED 10/14/97

TITLE

THERMAL BLANKET

\* SMALL ENTITY \*

PRELIMINARY CLASS: 607

RECEIVED  
OCT 19 1998  
GCWF/T.MEADOR

(see reverse)



**PATENT ATTORNEY DOCKET NO.: AUGA01000014 (103806-156303)**

The Patent and Trademark Office date stamp sets forth the receipt date of:

Applicant: Augustine et al

Patent No. 6,210,428

Issued: April 3, 2001

Title: System And Method For Treatment Of Hypothermia

**ENCLOSURES:**

Petition To Correct Inventorship In An Issued patent Under 37 CFR 1.324 (2 pgs. + a copy)

Statement By Randall C. Arnold Under 37 CFR 1.324 (1 pg.)

Statement By Scott D. Augustine Under 37 CFR 1.324 (1 pg.)

Statement By John E. Thomas Under 37 CFR 1.324 (1 pg.)

Statement By Shirley E. Augustine Under 37 CFR 1.324 (1 pg.)

Check \$130 (#480134)

Date Mail: JUNE 8, 2001

**PATENT ATTORNEY DOCKET NO.: AUGA01000014 (103806-156303)**

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Applicant: Augustine et al

Patent No. 6,210,428

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Statement By John E. Thomas Under 37 CFR 1.324 (1 pg.)

Statement By Shirley E. Augustine Under 37 CFR 1.324 (1 pg.)

Check \$130 (#480134)

Date Mail: JUNE 8, 2001

**RECEIVED****JUN 18 2001****GRAYCARY/GT.PATENT**

Atty/Sec Initials: TAM/jiv

Client Name: Augustine Medical, Inc.

T

GRAY CARY WARE &amp; FREIDENRICH

401 B STREET, SUITE 1700 SAN DIEGO, CA 92101

CHECK NO.:

480134

INVOICE	DATE	AMOUNT	
6/7/01 21140-1	06-07-01	130.00	103806-156303 Jennifer Vail
<p style="text-align: right; font-size: 2em; transform: rotate(-15deg);">6210428 Petition Fee</p>			

VENDOR ID: copl

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND NOT A WHITE BACKGROUND

GRAY CARY WARE &amp; FREIDENRICH

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Comerica Bank & Trust, N.A.

CHECK NO. 480134

DATE 06/08/01

AMOUNT OF CHECK  
\*\*\*\*\* 130.00

ONE HUNDRED THIRTY AND 00/100 U.S. Dollar

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TO THE  
ORDER OF

COMMISSIONER OF PATENT &amp; TRADEMARKS

GRAY CARY WARE & FREIDENRICH  
GENERAL ACCOUNT

*James M. Huh*  
*James M. Huh*  
VOID AFTER 180 DAYS

EXPLANATION OF ADDITIONAL SECURITY FEATURES INDICATED ON REVERSE SIDE

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